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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/783,943 | 02/20/2004 | Kai Lehmann | MB 385 | 4811 |

27956 7590 10/13/2004

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EXAMINER

ESHETE, ZELALEM

| | |
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| ART UNIT | PAPER NUMBER |
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3748

DATE MAILED: 10/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/783,943

Applicant(s)

LEHMANN ET AL. 

Examiner

Zelalem Eshete

Art Unit

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/20/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5,7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki (6,289,861).

Regarding claim 1: Suzuki discloses a device for changing the angle of rotation of shaft relative to drive wheel driving the cam-shaft of an internal combustion engine (see figure 2), said device including hydraulic arrangement which is effective between the drive and camshaft and is connected to a fluid of the internal combustion engine (see abstract) for admitting to said adjusting arrangement via an on/off valve said camshaft being mounted camshaft bearings and said on/off valve being at least partially integrated in one of the camshaft bearings (see figure 4).

Regarding claim 2: Suzuki discloses the camshaft bearing comprises a bearing shell and a bearing cover (see figures 2,4), and said on/off valve is integrated in the bearing cover (see numerals 66,36).

Art Unit: 3748

Regarding claim 3: Suzuki discloses the bearing cover is an integral part of a cylinder-head cover of the internal combustion engine (see figure 4; column 4, lines 37 to 41).

Regarding claim 4: Suzuki discloses the bearing cover has a receiving bore in which at least part of the on/off valve is accommodated (see figure 4).

Regarding claim 5: Suzuki discloses the hydraulic adjusting arrangement is supplied with fluid via fluid-medium bores arranged in the camshaft bearing (see figure 2; column 5, lines 20 to 25)

Regarding claim 7: Suzuki discloses the camshaft bearing has at least one fluid inlet supplying the on/off valve with fluid (see column 5, lines 1 to 5), at least one fluid outlet for supplying the hydraulic adjusting arrangement with fluid and at least one fluid return flow (see figure 2, numerals 69,73).

Regarding claim 8: Suzuki discloses the fluid supplied to the inlet from the cylinder head in order supply the on/off valve with fluid (see column 6, lines 50 to 54).

Regarding claim 9: Suzuki discloses the fluid is supplied to the inlet from the cylinder head cover or main bearing cap in order to supply the on/off valve fluid (see figure 2; column 4, line 65 to column 5, line 5).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki.

Suzuki discloses the claimed invention as recited above; as to the method of making (cast), a product by process claim is rejected over a prior art product that appears to be identical, although produced by a different process, the burden is upon the applicants to come forward with evidence establishing an unobvious difference between the two. See *In re Marosi*, 218 USPQ 289 (Fed. Cir. 1983).

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Urckfitz et al. (6,543,400).

Suzuki discloses the claimed invention as recited above; however fails to disclose fluid is supplied to the inlet from the camshaft.

However, Urckfitz teaches oil supply route through camshaft (see column 1, lines 5 to 12).

Art Unit: 3748

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Suzuki's device by incorporating the oil supply route through the camshaft as taught by Urckfitz as an alternative oil supply means.

Conclusion

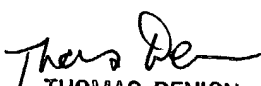
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zelalem Eshete whose telephone number is (703) 306-4239, the new telephone number is 571-272-4860 effective 11/22/2004. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion can be reached on (703) 308-2623. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Zelalem Eshete
Examiner
Art Unit 3748

Z


THOMAS DENION
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700